

OSCAR LEESER
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL
ANN MORGAN LILLY, DISTRICT 1
LARRY ROMERO, DISTRICT 2
EMMA ACOSTA, DISTRICT 3
CARL L. ROBINSON, DISTRICT 4
MICHEL R. NOE, DISTRICT 5
EDDIE HOLGUIN JR., DISTRICT 6
LILY LIMÓN, DISTRICT 7
CORTNEY CARLISLE NILAND, DISTRICT 8

AGENDA FOR REGULAR COUNCIL MEETING

REVISED

**AUGUST 27, 2013
COUNCIL CHAMBERS, CITY HALL
8:30 a.m.**

AND

**LEGISLATIVE REVIEW MEETING OF THE WHOLE
300 N. CAMPBELL
MAIN CONFERENCE ROOM, 2ND FLOOR
AUGUST 26, 2013
9:00 a.m.**

NOTE:

- The City Council Agenda has been reorganized as directed by City Council on June 25, 2013 to allow for a **Call to the Public at 12:15 p.m. – 12:45 p.m.** Requests to speak must be received by **9:00 a.m.** on the date of the meeting. Three minutes may be allowed for each speaker. Thirty minutes in total will be devoted for Call to the Public.
- At any time during the Council meeting, the City Council may meet in executive session pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss items as permitted by law.
- If items are scheduled for the Executive Session, the Council will move to Executive Session at the end of the Regular Agenda items or after Call to the Public, whichever comes first or as determined by the Presiding Officer.

ROLL CALL

INVOCATION BY POLICE CHAPLAIN CARLOS FLORES

PLEDGE OF ALLEGIANCE

ISABELLA CANALES

MAYOR'S PROCLAMATIONS

- 1. FIESTA DE LAS FLORES WEEK IN EL PASO**
- 2. LIFE INSURANCE AWARENESS MONTH**
- 3. DR. MICHAEL ZOLKOSKI DAY**

NOTICE TO THE PUBLIC

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members. Prior to the vote, members of the audience may ask questions regarding items on the consent agenda. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting. The wording of all agenda items shall appear in the minutes of this meeting of the City Council as posted, unless otherwise revised by this or other motion of Council, without the necessity of the City Clerk reading the wording of each item into the record.

CONSENT AGENDA

1. APPROVAL OF MINUTES:

Approval of Minutes for the Regular City Council Meeting of August 20, 2013, and the Legislative Review of the Whole/Work Session of August 20, 2013.
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

2. REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:

Representative Ann Morgan Lilly

3. RESOLUTIONS:

3A. That the City Manager be authorized to sign a Mutual Lease Termination covering the Airport Industrial Site Lease by and between the City of El Paso ("Lessor") and Coronado Financial, a Texas general partnership ("Lessee") for the property described as Lots 1 and 2, Block 5, El Paso International Airport Tracts Replat "A", municipally known and numbered as 6400 Boeing Drive, City of El Paso, El Paso County, Texas. **(All Districts)**
[Airport, Monica Lombrana, (915) 780-4793]

3B. That the City Manager be authorized to sign a Mutual Lease Termination covering the Air Cargo Building Lease Agreement by and between the City of El Paso ("Lessor") and Southwest Airlines Co. ("Lessee") for office and warehouse space; use of the loading dock; and ground service equipment parking apron at the Air Cargo Building (Air Cargo 2) located at 6413 Convair Road, City of El Paso, El Paso County, Texas. **(All Districts)**
[Airport, Monica Lombrana, (915) 780-4724]

3C. That the City Manager be authorized to sign a First Amendment to Butterfield Industrial Park Lease and Lessor's Approval of Assignment by and among the City of El Paso ("Lessor"); TR-Butterfield Trail Corp. ("Assignor"), and 1901 Bragaw LLC and Quintus Properties LLC ("Assignee") for the premises described as follows: 1,586,523 square feet of land, more or less, being a portion of Lot 1, all of Lot 2 and all of Lot 3, Block 14, Butterfield Trail Industrial Park, Unit Three, El Paso, El Paso County, Texas and municipally known as 48 Walter Jones/32 Celerity Wagon, El Paso, Texas. **(All Districts)**
[Airport, Monica Lombrana, (915) 780-4724]

- 3D.** That sponsorship by the City of El Paso in the following Events constitutes an important public purpose of benefit to the City and its Citizens as described within each application; and that the City Manager be authorized to execute Agreements between the City of El Paso and the following Event Sponsors for the Events; and under the terms of each agreement the City will provide the necessary funds to the appropriate City departments to cover a portion of the costs of the on-duty police traffic control assistance and other necessary public safety services for the Events. **(All Districts)**
[City Development, Kimberly Forsyth, (915) 541-4668]
- 3E.** That City Council amend the Neighborhood Stabilization Program (NSP) by adding a program activity to allow the following: 1) the future transfer of title to two NSP properties acquired and rehabilitated with NSP funding (the Properties) and property management responsibilities of said Properties to The El Paso Collaborative for Community and Economic Development upon future Council approval, under a contract to be approved by the Department of Housing and Urban Development, and 2) the rental and possible future sale of the Properties to residents with incomes at or below 120% of the AMI; and that the City Manager be authorized to take any actions necessary to accomplish the Housing and Urban Development approval of this program activity, upon approval by the City Attorney's Office and the Director of Community and Human Development. **(Districts 6 and 7)** [Community and Human Development, William Lilly, (915) 541-4377]
- 3F.** That the City Manager be authorized to sign the First Amendment to the Agreement for Professional Services by and between the City of El Paso and ECM International, Inc., a Texas Corporation, for a project known as "EPIA Taxiway "L" Reconstruction and Geometry of Taxiway "J" and "K" Connectors", to add additional review services due to unforeseen circumstances which resulted in an extension of contract completion from November 14, 2013 to December 31, 2013, for an additional amount of \$125,095.66 thereby extending the contract amount from \$565,022.93 to \$690,118.59. **(All Districts)**
[Engineering and Construction Management, Irene D. Ramirez, (915) 541-4428]
- 3G.** That the Solid Waste liens on the attachment posted with this agenda be approved. (See Attachment A) **(Districts 1, 2, 4, 5, 6, and 8)**
[Environmental Services, Kurt Fenstermacher, (915) 621-6892]
- 3H.** That the City Manager be authorized to sign the First Amendment to the Parksite Maintenance Contract entered into by and between the City of El Paso ("City") and both TIBH Industries, Inc., a private non-profit corporation and the certifying party, and Border TM Industries, Inc. d/b/a Xceed Resources, the performing party, collectively referred to as the "Contractors," to add additional park sites (specifically, grass medians within the City) to the list of locations at which the Contractors will perform mowing and litter cleanup services, for the duration of the Contract which ends on April 12, 2015, for an additional estimated annual cost to the City of an amount not to exceed \$50,000. **(All Districts)**
[General Services, Stuart Ed, (915) 621-6822]
- 3I.** That the City Council authorize the Municipal Court to establish a Juvenile Case Manager program to assist the Court in administering the Court's juvenile docket and in supervising the Court's orders in juvenile cases to include the option of providing prevention and intervention services to at risk juveniles. The program

will be funded by retaining \$1.00 of the State's Truancy Prevention and Diversion fund as authorized by Senate Bill 1419, effective September 1, 2013; court cost collection to be implemented January 1, 2014. **(All Districts)**

[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

3J. That the Mayor be authorized to sign an Interlocal Governmental Agreement between the City of El Paso and the County of El Paso/District Attorney's Office, 34th Judicial District of the State of Texas, for services to the City and its Police Department relating to arrests and prosecution of cases in connection with the District Attorney's Information Management System (DIMS) and program from September 1, 2013 through August 31, 2014 in an amount not to exceed \$238,665.28. **(All Districts)** [Police, Robert Feidner, (915) 564-7166]

3K. That the City Manager be authorized to sign Consent to Assignment of Contract from Tom Growney Equipment, Inc. (Assignor) to 4 Rivers Equipment, LLC (Assignee) with respect to the City of El Paso's Contract No. 2009-185 (John Deere Proprietary Parts and Services). **(All Districts)**

[Financial Services, Bruce D. Collins, (915) 541-4313]

[General Services, Stuart C. Ed, (915) 621-6822]

4. APPLICATIONS FOR TAX REFUNDS:

That the tax refunds listed on the attachment posted with this agenda be approved.

(See Attachment B) **(All Districts)** [Tax Office, David Childs, (915) 541-4598]

5. REQUESTS TO ISSUE PURCHASE ORDERS:

5A. Request that the Purchasing Manager for Financial Services - Purchasing Division be authorized to issue Purchase Order to InMotion Technology, Inc., the sole source provider for OnBoard Mobile Gateway support services for the purchase of support services in the estimated amount of \$112,330 for the El Paso Fire Department.

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|-------------------------|---|
| Department: | Fire |
| Award to: | InMotion Technology, Inc. New Westminister, BC |
| Total Estimated Amount: | \$112,330 (1 year) |
| Account No.: | 22130-322- 522250-2720 |
| Funding Source: | 2011 State Homeland Security Program |
| Districts: | All |
| Sole Source No.: | 2013-299 |

This is a Sole Source, unit-price type contract.

Additionally, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.

[Financial Services, Bruce D. Collins, (915) 541-4313]

[Fire, Frank Gallegos (915) 838-3264]

5B. Request that the Purchasing Manager for Financial Services, Purchasing Division be authorized to issue a Purchase Order to Advantage Factory, Inc., a contractor

under DIR Contract # 1974 (DBITS-Enterprise Resource Planning, ERP), for Microsoft SharePoint 2010 and Fusion Core Solution Implementation for the El Paso Fusion Center. The City has made the determination that purchasing from this cooperative offers the most cost-effective pricing.

The participation by the City of El Paso in the Department of Information Resources (DIR) was approved by Mayor and City Council on February 27, 2007.

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| Department: | Police |
| Award to: | Advantage Factory, Inc. Bellingham, Washington 98225 |
| Initial Estimated Amount: | \$391,550, (includes 1 st year maintenance and license cost - \$ 42,500) |
| Maintenance and License Fees: | \$85,000.00 (Years 2 and 3) |
| Total Estimated Award: | \$476,550 |
| Account No.: | 321 – 21230 –580350-2710 – 11GA2406PD |
| Funding Source: | State Homeland Security Program (SHSP) |
| Districts: | All |
| Reference No.: | 2013-295 |

This is a Cooperative, (service) contract.

Additionally, it is requested that the City Attorney's Office review and that the City Manager be authorized to execute any related contract documents and agreements necessary to effectuate this award.

[Financial Services, Bruce D. Collins, (915) 541-4313]

[Police, Gregory K. Allen, (915) 564-7100]

6. BIDS:

- 6A.** The award of Solicitation No. 2013-240 (Navistar Proprietary Parts & Service) to RJ Border International Trucks for an initial term award of \$240,000.

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| Department: | General Services – Fleet Division |
| Award to Vendor: | RJ Border International Trucks El Paso, Texas |
| Item(s): | All |
| Option to Extend: | 2 years |
| Estimated Annual Amount: | \$ 80,000 |
| Total Initial Term Estimated Award: | \$ 240,000 (3 Years) |
| Option Amount: | \$ 160,000 (2Years) |
| Total Estimated Award: | \$ 400,000 (5 Years) |
| Account No.: | 231-37020-531210-3600- P3711 231-37020-531250-3600- P3701/3702 |
| Funding Source: | General Services Internal Service Fund and Inventory Purchases Equipment Out-side Repairs |
| Districts: | All |

This is a Best Value, unit price contract.

The Financial Services - Purchasing Division and General Services – Fleet Division recommend award as indicated to RJ Border International Trucks, the sole bidder.

[Financial Services, Bruce D. Collins, (915) 541-4313]

[General Services, Stuart C. Ed, (915) 621-6822]

- 6B.** The award of Solicitation No. 2013-255 (Water Wagon) to Sierra Machinery, Inc. for a total estimated award of \$367,777.

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| Department: | General Services – Fleet Division |
| Award to: | Sierra Machinery, Inc. El Paso, TX |
| Item(s): | All |
| Option to Extend: | Option to Purchase Additional Quantity within 90 days of Award |
| Total Estimated Amount: | \$367,777 |
| Account No.: | 334 – 34060 – 580290 – 3150 – PSWM00170 |
| Funding Source: | Environmental Services Department – Capital Overlay |
| Districts: | All |

This is a low bid, unit price contract.

The Financial Services - Purchasing Division and General Services – Fleet Division recommends award as indicated to Sierra Machinery, Inc., the lowest responsive, responsible bidder.

[Financial Services, Bruce D. Collins, (915) 541-4313]

[General Services, Stuart C. Ed, (915) 621-6822]

- 6C.** The award of Solicitation No. 2013-138 Ford Motor Company Proprietary Parts to Leif Johnson Ford II LTD, for an initial term estimated award of \$360,000.

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| Department: | El Paso Fire Department |
| Award to: | Leif Johnson Ford II LTD Austin, TX |
| Item(s): | All |
| Initial Term: | 3 Years |
| Option: | 2 Years |
| Annual Estimated Amount: | \$120,000 |
| Initial Term Estimated Award: | \$360,000 (3 years) |
| Option Amount: | \$240,000 (2 years) |
| Total Estimated Award: | \$600,000 (5 years) |
| Account No.: | 322–531180–1000–22090 |
| Funding Source: | Vehicle Maintenance Supplies |
| Districts: | All |

This is a low bid, requirements contract.

The Financial Services - Purchasing Division and General Services recommend award as indicated to Leif Johnson Ford II LTD, the lowest responsive, responsible bidder.

[Financial Services, Bruce D. Collins, (915) 541-4313]

[Fire, Terry K. Kebschull, (915) 771-1071]

- 6D.** Request rejection of all bids received for Solicitation 2013-216 (Miscellaneous Proprietary Irrigation Equipment) as recommended by Financial Services - Purchasing Division and General Services – Land Management Division. Received two bids and both vendors were deemed non-responsive. A new solicitation will be issued.

Department: General Services – Land Management Division

Districts: **All**

[Financial Services, Bruce D. Collins, (915) 541-4313]

[General Services, Stuart C. Ed, (915) 621-6822]

- 6E.** Request rejection of all bids received for Solicitation No. RFQ 2013-135R, (Environmental Laboratory Services for Air Quality) as recommended by Financial Services - Purchasing Division and Environmental Services Department to use an alternate procurement method. **(All Districts)**

[Financial Services, Bruce D. Collins, (915) 541-4313]

[Environmental Services, Kurt Fenstermacher, (915) 621-6892]

- 6F.** Request rejection of all bids received for Solicitation No. RFQ 2013-220R, (Environmental Laboratory Services for Municipal Solid Waste Facilities) as recommended by Financial Services - Purchasing Division and Environmental Services Department to use an alternate procurement method. **(All Districts)**

[Financial Services, Bruce D. Collins, (915) 541-4313]

[Environmental Services, Kurt Fenstermacher, (915) 621-6892]

REGULAR AGENDA – PUBLIC HEARING

7. CITY ATTORNEY:

Public hearing and discussion and action on a Resolution approving the issuance of Colorado Health Facilities Authority Health Facilities Revenue Bonds (The Evangelical Lutheran Good Samaritan Society Project), Series 2013, a portion of which will be used to finance the Evangelical Lutheran Good Samaritan Society – White Acres Project in El Paso, Texas. **(All Districts)**

[City Attorney's Office, Sylvia Borunda Firth, (915) 541-4550]

8. HUMAN RESOURCES:

- 8A.** An Ordinance amending Ordinance 8064 (Classification and Compensation Plan), to amend the Ordinance to comport with the recent amendments to the Charter of the City of El Paso, Texas, and to make other non-substantive revisions to various sections of the Ordinance. **(All Districts)**

[Human Resources, Linda Ball Thomas, (915) 541-4509]

- 8B.** An Ordinance amending Ordinance 8065 (Civil Service Rules and Regulations), to amend various sections of Rule Nos. 2, 4, 5, 6, 8 and 10 to comport with the recent amendments to the Charter of the City of El Paso, Texas; to delete Rule No. 3 and mark as "RESERVED;" to amend Rule No. 6 to correspond with City personnel policies; and to correct a scrivener's error in Rule No.2.

(All Districts) [Human Resources, Linda Ball Thomas, (915) 541-4509]

REGULAR AGENDA – OTHER BUSINESS

9. CITY DEVELOPMENT:

- 9A.** Discussion and action on a Resolution to amend the City's Impact Fund Policy so as to include projects that promote workforce creation in the City. **(All Districts)**
[City Development, Mathew McElroy, (915) 541-4193]
[City Development, Marty Howell, (915) 383-8217]
- 9B.** Discussion and action that the City Manager be authorized to sign a Grant Agreement between the City of El Paso and Project ARRIBA, Advanced Retraining and Redevelopment Initiative in Border Areas, Inc. ("Grantee"), a 501 (c) 3 tax exempt, non –profit Texas corporation for the purpose of creating a permanent and sustainable source of local health care professionals, teachers and information technologist to address severe shortages in City of El Paso.
(All Districts)
[City Development, Mathew McElroy, (915) 541-4193]
[City Development, Marty Howell, (915) 383-8217]
- 9C.** Discussion and action on the Fourth Amended Interlocal Agreement between the City of El Paso, and the Downtown Management District (DMD), a Texas Municipal Management District, organized under Texas Local Government Code Chapter 375 to increase the funding provided by the City for supplemental sanitation services and to remove the requirements that the City pay the compensation and benefit costs associated with the DMD's Executive Director.
(District 8)
[City Development, Mathew McElroy, (915) 541-4193]
[City Development, Marty Howell, (915) 383-8217]

10. COMMUNITY AND HUMAN DEVELOPMENT:

Discussion and action on a Resolution that City Council approve additional funding commitments for the following two affordable housing rental developments that will be carried out by two Community Housing Development Organizations (CHDOs) – Non-Profit Housing Development Organizations: (1) PV Community Development Corp., an additional \$72,000 to construct four affordable rental units located at 6715 Sambrano; and (2) The Marvelous Light Corp. an additional \$40,300 to construct eight affordable rental units located at 4421 Lawrence, as a result of the increase in the construction bids. Further, that the City Manager, on behalf of the City, is authorized to sign the First Amendment to the Written Agreements as well as any related contract documents necessary to secure and protect the City's lien interest.
(Districts 2 and 3) [Community and Human Development, William Lilly, (915) 541-4341]

11. MUNICIPAL CLERK:

Discussion and action that the City of El Paso be authorized to enter into a Memorandum of Understanding with Project Vida Health Center, to provide research and educational services regarding youth offenders. This understanding will be of no cost to the City of El Paso. **(All Districts)**
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

12. CITY MANAGER:

- 12A.** Discussion and action on a Resolution approving and authorizing publication of notice of intention to issue certificates of obligation in an amount not to exceed \$68,500,000. **(All Districts)**
[City Manager's Office, Carmen Arrieta-Candelaria, (915) 541-4435]
- 12B.** Discussion and presentation of utility bills typical residential and commercial customers receive from the three El Paso area public utilities: El Paso Electric Company, El Paso Water Utilities and Texas Gas Service. **(All Districts)**
[City Manager's Office, Carmen Arrieta-Candelaria, (915) 541-4435]
- 12C.** Discussion and action on Resolution requesting information from Texas Gas Service Company, a Division of ONEOK, Inc., related to its affairs and earnings from the El Paso Service Area pursuant to Gas Utility Regulatory Act, Texas Utilities Code and the franchise between the City of El Paso and Southern Union Company dated February 22, 2000. **(All Districts)**
[City Manager's Office, Carmen Arrieta-Candelaria, (915) 541-4435]

13. MAYOR AND COUNCIL:

- 13A.** Discussion and action to direct the City Manager to expand the downtown residential parking program to include the San Francisco Historic District.
[Representative Cortney Niland, (915) 541-4268]
- 13B.** Discussion and action to rename the Luther Building to its rightful and historical name of the Mulligan Building. [Representative Lily Limón, (915) 541-4108]

EXECUTIVE SESSION

The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act and the Rules of City Council.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

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| Section 551.071 | CONSULTATION WITH ATTORNEY |
| Section 551.072 | DELIBERATION REGARDING REAL PROPERTY |
| Section 551.073 | DELIBERATION REGARDING PROSPECTIVE GIFTS |
| Section 551.074 | PERSONNEL MATTERS |
| Section 551.076 | DELIBERATION REGARDING SECURITY DEVICES |
| Section 551.087 | DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS |

Discussion and action on the following:

- EX1.** Economic Development Project to build an industrial facility in Northeast El Paso.
(551.071, 551.072, 551.087) [City Development, Mathew McElroy (915) 541-4056]

- EX2.** Economic Development Project to build an entertainment facility in Northeast El Paso.
(551.071, 551.072, 551.087) [City Development, Mathew McElroy (915) 541-4056]

- EX3.** Economic Development Project to build an entertainment facility in Northeast El Paso.
(551.071, 551.072, 551.087) [City Development, Mathew McElroy (915) 541-4056]

- EX4.** Economic Development Project to build a hotel in Downtown El Paso.
(551.071, 551.072, 551.087) [City Development, Mathew McElroy (915) 541-4056]

12:15 p.m. – 12:45 p.m. CALL TO THE PUBLIC – PUBLIC COMMENT

This time is reserved for members of the public who would like to address the City Council on items that are not on the City Council Agenda.

A sign-up form is available on line at https://www.elpasotexas.gov/muni_clerk/contact_public.asp for those who wish to sign up in advance of the meeting date and a sign-up form is available outside the City Council Chambers at the City Clerk table for those who wish to sign up on the day of the meeting.

NOTICE TO THE PUBLIC:

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print, or audiotape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

ALL REGULAR CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY THURSDAY AT THE ADDRESS BELOW:

<http://www.elpasotexas.gov/>